

MEMORANDUM

State of Alaska  
Department of Environmental Conservation  
Division of Water



TO: Janet Burleson Baxter                      DATE: June 30, 2006  
Large Project Coordinator  
Office of Project Management  
and Permitting                      FILE NO:

THRU:    PHONE NO: 465-5320

FROM: Fran Roche                              SUBJECT: ACMP ABC List Revision  
Environmental Prog. Specialist III                      DEC Recommendations

The Department of Environmental Conservation permit program managers from the Division of Water, Air Quality, Spill Prevention and Response and Environmental Health have the following recommendations for the revision to the Alaska Coastal Management Program B and C List of Expedited Consistency Reviews and State Authorizations Subject to the Alaska Coastal Management Program (ACMP).

**C-LIST - INDIVIDUAL PROJECT REVIEWS**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Comment**

The Resource Conservation and Recovery Act (RCRA) Hazardous Waste Permit should be deleted from the C list. This former DEC program was repealed on August 7, 1992. The Environmental Protection Agency (EPA) implements the RCRA hazardous waste program including the issuance of Hazardous Waste Permits in Alaska.

**Comment**

The reference to General Consistency Determinations GC-13, 13A, 26 and 27 should be deleted in the C listed Air quality control construction permit and the Air quality control operating permit as indicated in red strike out. The

**Deleted:** 50-day . Transfer, storage, and disposal (TSD) Resource Conservation and Recovery Act (RCRA) **Hazardous Waste Permit** (will likely require an extended review due to complex issues). See also GCs 11, 12, and 45. ¶  
¶  
AS 46.03.302¶  
18 AAC 63

Air Program replaced GCD-13, 26 and 27 with General Permits. GCD-13A Existing Air Quality Emissions is now covered by ACMP regulations 11 AAC 110.820 and 830 which address proposals for amendments and renewals.

50-day

***Air quality control construction permit that approves air emissions.*** See also A List and General Permits in Section II of the B list.

Deleted: GCs 13, 13A, 26, and 27.

AS 46.14.120

AS 46.03.130

18 AAC 15

18 AAC 50

50-day

***Air quality control operating permit that approves air emissions.*** See also General Permits in Section II of the B list.

Deleted: B list GCD's 13,13A, 26,27,

AS 46.03.120

AS 46.03.130

18 AAC 15

18 AAC 50

**Comment**

The following additions to the C list are two Air quality control minor permits (18 AAC 50.502 and 508(3)) that went into effect on October 1, 2004 as a result of changes in Air Quality statutes and regulations.

50-day

***Air quality control minor permit that approves air emissions (18 AAC 50. 502).*** See also DEC General Permits in Section II of the B List.

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AS 46.14.120AS 46.14.13018 AAC 1518 AAC 50

50-day

***Air quality control minor permit that approves air emissions through a Plantwide Applicability Limit (18 AAC 50.508(3)).***

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AS 46.14.120AS 46.14.13018 AAC 1518 AAC 50**Comment**

Air quality control minor permits identified in 18 AAC 50.508(1), (2), (4), (5) and (6) should not be included on the C list for the following reasons:

1. 18 AAC 50.508(1) and (2) describe actions on major (PSD) permits. They are "Clean Unit" designation, and "Pollution Control Projects." These permit actions as a group were struck down in federal court, so DEC cannot issue a permit under this section.
2. 18 AAC 50.508(4) permits are for nonattainment area offsets. If an applicant wants to build a new major stationary source in a nonattainment area, that applicant must offset the emission increase by getting other stationary sources to take voluntary and enforceable emission reductions. 508(4) is the mechanism for establishing the enforceable reduction in emissions. The new major nonattainment area stationary source would need a separate construction permit under a different section of 18 AAC 50 for their emissions increase. That permit is on the C list "**Air quality control construction permit that approves air emissions**". All areas in the state that were designated as nonattainment, either have been changed or are in the process of being changed from nonattainment to "maintenance." However, it is possible that nonattainment areas could be designated again in the future.
3. 18 AAC 50.508(5) establishes owner requested limits (ORLs) on emissions. This section can be used to reduce allowable emissions of existing equipment. It allows new equipment to be constructed or operated without triggering a permitting threshold. The DEC Air program sees no distinction between a stationary source that will inherently have emissions below levels of concern and a stationary source that will have emissions below those levels because it is legally required to operate at less than its maximum capacity.
4. 18 AAC 50.508(6) allows a permittee to revise or rescind an existing permit condition. This category can cover a wide variety of circumstances. The following changes are allowable under 18 AAC 50.508(6).
  - The change can be used to satisfy a permitting requirement in a different way. Whether for a monitoring condition, a condition to avoid a permitting classification, a demonstration of compliance with ambient air quality standards, or Best Available Control Technology, the revised condition must still satisfy the original underlying requirement.
  - The change can be used to delete a condition where the permitting requirement no longer applies. Because ambient air quality standards and Best Available Control Technology (BACT) requirements will continue

to apply indefinitely, the most likely use of this type of permit change is when old equipment is being removed, and there is no reason for retaining the condition.

- The change can be used to remove a limit that avoids a permitting classification. However, before the permit change can take effect, the permittee would have to obtain the permit that was being avoided. That permit would be subject to ACMP review.
- Any other change connected to an emission increase greater than permitting thresholds of concern would require an Air Quality permit that is included on the C list under “**Air quality control construction permit that approves air emissions**”.

### **Comment**

“Reclassification of State Waters” should be deleted from the C list. 18 AAC 70.230 describes the procedure for reclassification of state waters. This regulation allows DEC to hold hearings for the purpose of reviewing the classification of state water. ACMP regulation 11 AAC 110.750 “Activities generally subject to individual consistency review” sets out that the C list “identifies the resource agency authorizations that authorize activities that may have a reasonably foreseeable direct or indirect effect on a coastal use or resource.” The reclassification of state waters should be removed from the C list because it does not authorize activities as described in 11 AAC 110.750.

Deleted: 50-day . **Reclassification of State waters** . . . AS 46.03.020

Deleted: 18 AAC 15

Deleted: 18 AAC 70.230

## **B-LIST - GENERALLY CONSISTENT DETERMINATIONS**

### **B LIST--SECTION I - GENERALLY CONSISTENT DETERMINATIONS FOR ACTIVITIES WITH ALTERNATIVE MEASURES**

#### **Comment**

The following GCDs should be deleted GCD -11, GCD-12, GCD-13, GCD-13A, GCD-26, GCD-27.

GCD- 11 Surface Oiling of Roads and GCD-12 Oil Discharge for Scientific

Purposes involve only a single authorization from the Department of Environmental Conservation. The recommendation to delete GCD-11 and 12 is based on 11 AAC 110.010 (d) “The issuance of authorizations by the

Department of Environmental Conservation under AS 46.40.040(b)(1) establishes consistency with the Alaska coastal management program for those aspects.” Upon issuance, the Surface Oiling of Roads and Oil Discharge for Scientific Purposes permits establish consistency with the Alaska coastal management program for Air, Land and Water quality aspects.

GCD-13, 26 and 27 have been replaced with General Permits. GCD-13A Existing Air Quality Emissions is now covered by ACMP regulations 11 AAC 110.820 and 830 which address amendments and renewals.

The revision to GCD-9 is provided on page 7 of these comments. This revision updates and clarifies the activity description and standard alternative measures in GCD-9.

The Air Operating permit program recommends the retention of GCD-13B as revised on page 10.

GCD-9 Repeat Pesticide Application, Revision on page 7

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## **B LIST--SECTION II – GENERALLY CONSISTENT DETERMINATIONS FOR NATIONWIDE PERMITS, GENERAL PERMITS, AND GENERAL NPDES PERMITS**

### **Comment**

The following list of DEC General Permits needs to be revised as shown in red track changes.

DEC GP-SWG0302000

Remote Camps And Lodges, With Fewer Than 50 Residents

DEC SWG0305000

General Solid Waste Permit for Land Disposal of Small, sized Rock, Mud, Soil, Bark, and Woodwastes in Rock Pits

DEC SWG0308000

General Permit For the Construction and

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**Deleted:** 13 . Existing Air Quality Emissions

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**Deleted:** 13A . Air Quality Emissions from Flaring

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**Deleted:** 26 . Air Quality Permit for Manufacture of Asphalt Material

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**Deleted:** -27 . Air Quality Permit for Treatment of Petroleum-Contaminated Soils

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**Deleted:** Recreational Facilities

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**Deleted:** Occupants Statewide General Permit

Operation of a Monofill for the Storage of  
Oil and Gas Exploration and Production  
Waste and RCRA Non-Exempt Non-  
Hazardous Waste Generated on the North  
Slope

DEC GP-~~2004DB0101~~

Excavation Dewatering

DEC GP 2003-DB0089

Contained Water

DEC GPA

Fuel Limited Diesel Electric Generating Plant  
Emissions

DEC GP3

Asphalt Plant

DEC GP4

Soil Remediation Units

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DEC GP9 Crusher  
General Operating Permit

DEC MG1

Minor General Permit MG1

Oil or Gas Drilling Rigs

**Comment**

Delete the DEC Portable Oil and Gas Operation Permit by Rule (18 AAC 50.390) it was repealed on October 10, 2004. DEC Minor General Permit 1, Oil and Gas Drilling Rigs replaced the Permit by Rule on December 15, 2005.

The DEC Streamlined Nontank Vessel C-Plan is not a Permit by Rule and should be added to the list of DEC general permits.

**DEC Streamlined Nontank Vessel C-Plan**

**Nontank Vessel Spill Response Planning**

**Comment**

The Pesticide program provided these revisions to GCD-9 in order to update and clarify the activity description and standard alternative measures.

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DEC GP6 . . Large Drycleaner Facility Emissions

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DEC GP7 . Small Area Sources Perchloroethylene Dry Cleaner Emissions

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**Revised****GENERALLY CONSISTENT DETERMINATION GCD-9****REPEAT PESTICIDE APPLICATION****Deleted: RENEWAL**

The following activity is consistent with the Alaska Coastal Management Program per 11 AAC 110.730 when conducted according to the standard alternative measures listed below. This approval does not relieve the applicant from obtaining required permits and approvals from local, State, and federal individual agencies.

**ACTIVITY DESCRIPTION**

This activity covers the following types of application of EPA-registered pesticides (insecticide, herbicide, rodenticide, fungicide) to private or public lands consistent with the standard alternative conditions below. Requirements for DEC public notice and/or public hearings are not affected by this generally consistent determination. Pesticide, EPA registration number, formulation, active ingredient percentage, adjuvant, target pest, date and time of application, location and size of treated area, method and rate of application, storage conditions, disposal procedures, special precautions taken to protect public health, and safety and environment are required to be stated in the application to DEC. This activity is restricted to repeat pesticide permits for the same projects conducted by the same applicants and applies to applicants who have fully complied with their previous permit(s) and who are currently in compliance. This generally consistent determination applies to the following:

**Deleted: renewals of****Deleted:** Pesticide permits are eligible for renewal one time. Pesticide permits must undergo individual consistency review on alternate years following single renewals**STANDARD ALTERNATIVE MEASURES**

1. Surface application of pesticides conducted or participated in by the state, borough, city of any class or another government entity which requires a DEC permit to apply pesticides except for state right-of-way applications.
2. Mosquito and black fly control except for any applications to the waters of the state.
3. Aerial application on privately owned farms.

*Authority:* AS 46.03.320  
AS 46.03.730  
18 AAC 15  
18 AAC 90

*Permit:* Permit to Apply Pesticides (DEC)

*Region:* Statewide, except in the Kenai Peninsula Borough

## STANDARD ALTERNATIVE MEASURES

1. The pesticide label will be complied with at all times.
2. Pesticides shall not be applied within the protective area designated in the permit, from water bodies or wetlands.
3. Pesticides shall not be applied outdoors when wind speed exceeds the maximum wind speed stated in the labeling, or 7 miles per hour if no wind speed is stated in the labeling.
4. Pesticides shall be applied only by or under the direct supervision of a person with the appropriate pesticide certification category.
5. Records shall be maintained and provided to DEC per 18 AAC 90. These records shall contain the target pest; product name and EPA registration number; method and time of application; weather conditions; pesticide concentration; rate of application; amount of pesticide used and location and size of treatment area; name(s) of applicators, purchase, storage, and disposal information; and any other information required by DEC as a condition of the permit.
6. All pesticides and pesticide containers will be stored and disposed of in accordance with label directions and 18 AAC 90 except that burning of empty and properly prepared for disposal pesticide containers must be done in compliance with 18 AAC 50.
7. The permittee will adhere to all safety requirements specified by the product label and contained in the standard alternative measures, and designated in the permit.
8. When insecticides are used, beekeepers of record shall be notified by the best means available at least 24 hours before application. The permittee or the certified applicator must notify the beekeeper, by telephone if possible. Beekeepers of record are those who belong to the Cook Inlet Beekeepers Association and the South Central Beekeepers Association.
9. The permittee shall report any spill or accident, alleged accident, or complaint

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to the DEC Pesticide Program as soon as that person has knowledge of the occurrence. The permittee should make every effort to contain the spill and contact medical or other assistance as needed.

10. Pesticides shall be applied using properly calibrated equipment.
11. DEC will notify the affected coastal district of pesticide permit applications in their district.

12. The permittee will submit a written "Summary of Treatment Results" (18 AAC 90.535) within 90 days of the permit expiration including:

- A) dates if treatments
- B) total amount of each pesticide used
- C) assessment of success or failure of the treatment
- D) any observed effect on human health and safety, or welfare; domestic animals; fish; wildlife; and the environment

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## GENERALLY CONSISTENT DETERMINATION GCD-13B

### STATE Title V OPERATING PERMIT

The following activity is consistent with the Alaska Coastal Management Program as per 11 AAC 110.730 when conducted according to the standard alternative measures listed below. This approval does not relieve the applicant from obtaining required permits and approvals from local, State, and federal individual agencies.

### DESCRIPTION OF THE ACTIVITY

Issuance of a State Operating Permit, as required by Title V of the Federal Clean Air Act as amended, 40 C.F.R. Part 71, as revised as of July 1, 2004 to an existing stationary source with regulated pollutant emissions.

**Deleted:** November 1990, (42 U.S.C. 7661c) to an existing stationary source with regulated pollutant emissions.

This generally consistent determination covers only issuances of State Title V Operating Permits to existing stationary sources. Permits for new stationary sources and for modifications of existing stationary sources which increase emissions and require preconstruction review under the prevention of significant deterioration or new source review provisions of the State Air Quality Control

Program are not covered under this generally consistent determination. Further, any modification of an emission unit or stationary source which results in the generation of a new solid waste or wastewater stream is not covered by this general consistency determination.

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*Authority:* AS 46.14  
18 AAC 15  
18 AAC 50

*Permit:* State Title V Operating Permit (DEC)

*Region:* Statewide

### STANDARD ALTERNATIVE MEASURES

1. Permittee shall comply with the State Ambient Air Quality Standards and Increments established in State Air Quality Control Regulations, 18 AAC 50.010 and 18 AAC 50.020.
2. Permittee shall comply with the most stringent of applicable emission standards, limits and specifications set out in the State Air Quality Control Regulations 18 AAC 50.050 – 18 AAC 50.060, and the permit.
3. Permittee shall comply with the State Title V Operating standard permit conditions set out in 18 AAC 50.345.

### **Comment**

Many General Consistency Determinations contain the Spill Notification standard alternative measure. The phone number for the Anchorage DEC Area Response Team is incorrect and must be changed to 907-269-3063. The phone number should be changed in all GCD's that include the Spill Notification standard alternative measure.

### **Spill Notification**

The lessee or permittee shall immediately notify DEC by telephone, and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail, informing DEC of: any unauthorized discharges of oil to water; any discharge of hazardous substances other than oil; and any discharge or cumulative discharge of oil greater than 55 gallons solely to land and outside an impermeable containment area. If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the lessee or permittee shall report the discharge within 48 hours and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class

mail. Any discharge of oil including cumulative discharge, solely to land greater than one gallon up to 10 gallons must be reported in writing on a monthly basis. The posting of information requirements of 18 AAC 75.305 shall be met. The provisions of 18 AAC 75.310 (Scope and Duration of Initial Response Actions) and other reporting requirements of 18 AAC 75.300- 18 AAC 75.396 also apply. The lessee or permittee shall supply DEC with all follow-up incident reports. Notification of a discharge must be made to the nearest DEC Area Response Team during working hours: Anchorage (907) 269-~~3063~~, fax (907) 269-7648; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax, (907) 465-2237. The DEC oil spill report number outside normal business hours is (800) 478-9300.

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### Comment

GCD -15 A, and 20 both have a paragraph that follow the Spill Notification standard alternative measure. This paragraph repeats the last section of the Spill Notification standard alternative measure. This repetitive paragraph does not add anything and should be deleted as follows.

### Comment

**Hazardous Substances Footnote** – The Hazardous substances footnote needs to be revised in GCD - 19, 25, 34, 36,45,46,47, 48, 49 as indicated below to reflect current laws.

<sup>2</sup> Hazardous substances are defined under AS 46.03.826 as ~~(1) an element or compound which, when it enters the atmosphere, or in or upon the water, or surface or subsurface land of the state, presents an imminent and substantial danger to the public health or welfare, including but not limited to fish, animals, vegetation or any part of the natural habitat in which they are found, (2) oil; or (3) a substance defined as a hazardous substance under 42 U.S.C. 9601(14).~~

Deleted: The lessee or permittee shall supply DEC with all follow-up incident reports. Notification of a discharge must be made to the nearest DEC Area Response Team during working hours: Anchorage (907) 269-7500, fax (907) 269-7648; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-2237. The DEC oil spill report number outside normal business hours is (800) 478-9300

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### Comment

GCD- 23 should be revised as shown below in red track changes. Delete the words “district office” in #6 because DEC does not designate offices as “district” offices. Also, the sentence that specifies certain distances that apply only to Bering Straits CRSA should be deleted since the OPMP has indicated that the B list will no longer have standard alternative measures that only apply in certain districts.

6. Wastewater disposal, from kitchen gray water, privies, or outhouses, must satisfy the requirements of DEC. Sewage (black and gray water) design plan approval must be obtained from DEC prior to construction. On-site privies must be located at least 100 feet from any surface waterbodies. Upon expiration of the permit, lime shall be applied to the wastes in the privy pit

- prior to back filling. For additional information, contact the local DEC.
7. All solid waste and foreign debris must be eliminated by removal to a DEC-approved site or by burning (if a paper product). Hazardous waste must not be disposed of on site, but instead must be hauled out for disposal in an approved disposal site.

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Deleted: In the Bering Straits CRSA, disposal sites for burnable materials shall be located in upland sites a minimum of 1500 feet from fish bearing water and 200 feet from surface waters

#### **Comment**

GCD – 28, #7 should be revised as shown in red track changes below. DEC no longer designates offices as “district” offices. In addition, the phone number should be deleted.

7. Wastewater disposal, from kitchen gray water, privies, or outhouses, must satisfy the requirements of DEC. Sewage (black and gray water) design plan approval must be obtained from DEC prior to construction. On-site privies must be located at least 100 feet from any surface waterbodies. Upon expiration of the permit, lime shall be applied to the wastes in the privy pit prior to back filling. For additional information, contact DEC.

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#### **Comment**

Add the word “additional” as shown in red track change in the next to last line of the following standard alternative measure in GCD -9, 36, 46, and 49.

All fires and explosions must also be reported. The DNR 24 hour spill report number is (907) 451-2678; the fax number is (907) 451-2751. DNR or the appropriate land manager and DEC shall be supplied with all follow-up incident reports. For spills resulting from operation of the Trans Alaska Pipeline, additional spill notification information shall be provided to the appropriate agencies at the Joint Pipeline Office.”

#### **Comment**

DEC General Permit SWG0308000 was issued on March 17, 2003 and expires on March 17, 2008. The 2004 ABC list does not include this general permit. Please add it to the DEC General Permits in Section II of the B list.

## **GENERALLY CONSISTENT DETERMINATION SWG0308000**

### **GENERAL PERMIT FOR THE CONSTRUCTION AND OPERATION OF A MONOFILL FOR THE STORAGE OF OIL AND GAS EXPLORATION AND PRODUCTION WASTE AND RCRA NON-EXEMPT NON-HAZARDOUS WASTE GENERATED ON THE NORTH SLOPE**

The following activity is consistent with the Alaska Coastal Management

Program per 11 AAC 110.730 when conducted according to the standard alternative measures listed below. This approval does not relieve the applicant from obtaining required permits and approvals from local, State, and federal individual agencies.

### **DESCRIPTION OF THE ACTIVITY**

This general permit is issued for the storage of oil and gas exploration and production (E&P) waste, and RCRA non-exempt non-hazardous waste at a drilling waste monofill. For the purposes of this general permit a drilling waste monofill must be located on the North Slope of Alaska and used only for the storage of waste prior to disposal and/or remediation.

Waste stored under the authority of this general permit must be generated from petroleum or natural gas development, enhancement or exploration activities on the North Slope of Alaska. For the purposes of this general permit, the North Slope of Alaska is defined as the geographic area located North of 68 (degrees) North Latitude, and within the borders of the State of Alaska.

*Authority:* AS 03  
AS 06  
AS 46  
18 AAC 15  
18 AAC 60

*Permit:* DEC General Permit SWG0308000 expires on March 17, 2008

*Region:* North Slope of Alaska

### **PROCEDURE**

An application to operate under this general permit/generally consistent determination is required and is subject to written approval from the Alaska Department of Environmental Conservation (DEC). Contact DEC for notification requirements. Eligibility for this general permit/generally consistent determination requires DEC approval of the permit application.

### **STANDARD ALTERNATIVE MEASURES**

See Volume II, Appendix A for a copy of DEC general permit SWG0308000

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DEC GP8.1                      Qualifying Storage Tanks (Ka Tanks)  
Emissions

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DEC GP8.3

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Qualifying Volatile Organic Liquid Storage Tanks  
(Kb Tanks) Emissions

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Emissions From Rock Crusher And Associated Equipment  
Installed, Modified, Or  
Reconstructed After August 31,  
1983, Subject To 40 C.F.R. 60  
Subpart 000 – Standards Of  
Performance For Nonmetallic  
Mineral Processing Plants

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DEC Air Permit By Rule  
Drilling Rigs and Associated Equipment Emissions